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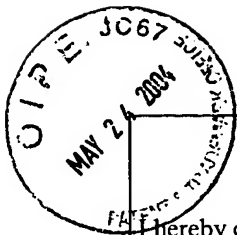
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/740,264	
	Filing Date	December 17, 2003	
	First Named Inventor	Maria Dolores FERNANDEZ FORNER	
	Art Unit	1625	
	Examiner Name	C. Aulakh	
Total Number of Pages in This Submission	5	Attorney Docket Number	251502007410

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none">• Response to Restriction Requirement - 4 pages• Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Shannon Thomas, Reg. No. 52,285 (Customer No. 25226)
Signature	
Date	May 24, 2004

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Jim Yang

Docket No.: 251502007410
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Maria Dolores FERNANDEZ FORNER et al.

Application No.: 10/740,264

Group Art Unit: 1625

Filed: December 17, 2003

Examiner: C. Aulakh

For: NOVEL QUINUCLIDINE DERIVATIVES
AND MEDICINAL COMPOSITIONS
CONTAINING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated April 22, 2004 (Part of Paper No./Mail Date 20040414) for which a response is due on May 22, 2004. May 22, 2004 falls on a Saturday, allowing Applicants to submit a response on Monday, May 24, 2004. Accordingly, this response is timely filed.

Applicants hereby provisionally elect Group I (claims 36-55 and 61-63) with traverse.

Applicants withdraw claims 58-60 (Group III) from consideration. Applicants address claims 56 and 57 (Group II) in the comments below.

Applicants expressly reserve their rights under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

PCT Rules

The Examiner states that the claims in Groups I, II and III do not relate to a single inventive concept under PCT Rules 13.1 and 13.2 and that they are a combination of different categories of claims, citing PCT Administrative Instructions Annex B Part 1(d)(e)(i).

The PCT Administrative Instructions do not suggest that an application lacks unity of invention simply from the fact that it contains claims of different categories. On the contrary, Annex B, Part 1(e) permits a combination of claims for a given product, for a process specially adapted for the manufacture and for the use of the product.

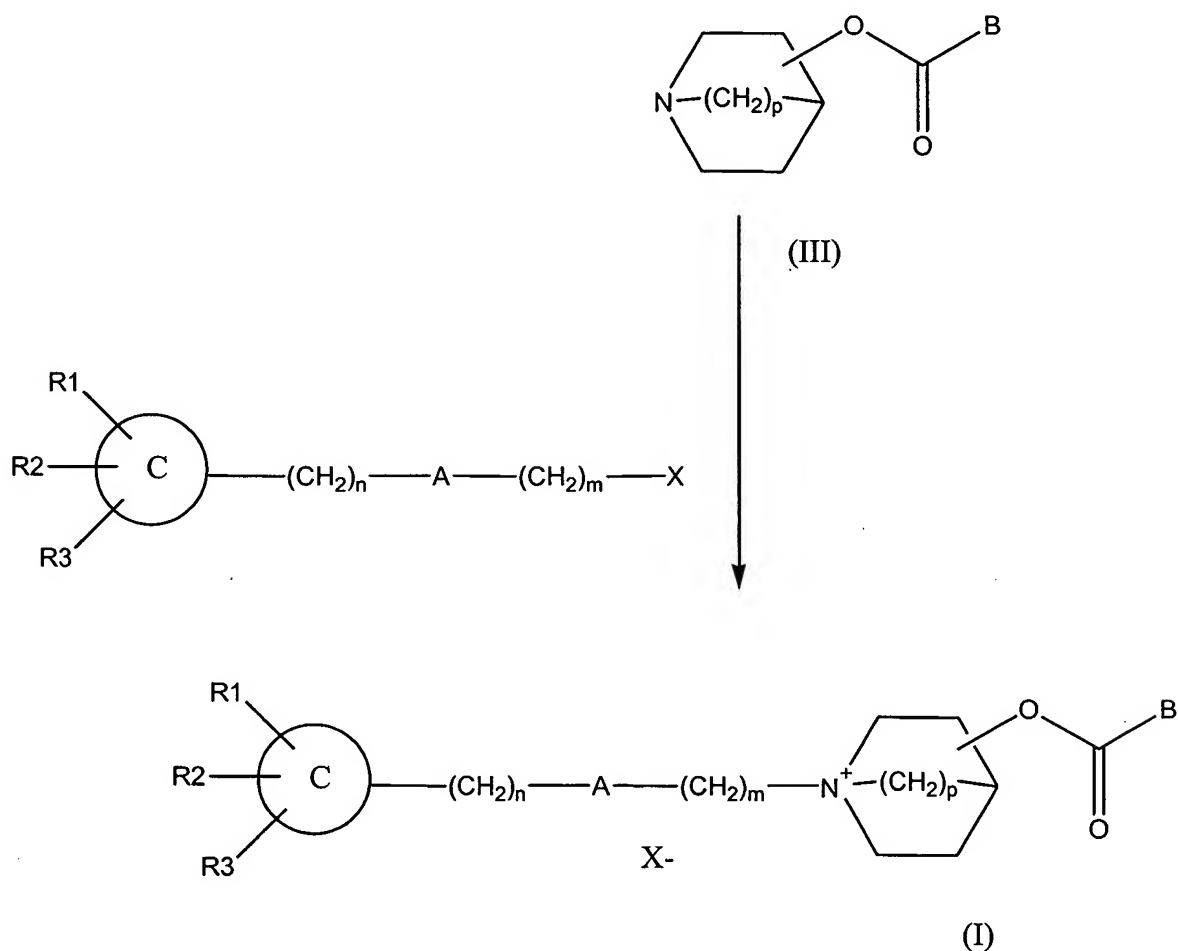
In addition, Annex B Part 1(g)(ii) of the Administrative Instructions states that unity shall be considered to be present between intermediate and final products where the following two conditions are fulfilled:

1. the intermediate and final products have the same essential structural element in that either (a) the basic chemical structures of the intermediate and the final compounds are the same, or (b) the chemical structures of the two products are technically closely inter-related, the intermediate incorporating an essential structural element into the final product; and
2. the intermediate and the final products are technically inter-related, meaning that the final product is manufactured directly from the intermediate or is separated from it by a small number of intermediates all containing the same essential structural element.

This is further illustrated in Examples 25 to 30 of Annex B of the Administrative Instructions. Applicants note, in particular, Example 25 of Annex B.

The Application

Claims 56 and 57 are directed to compounds of formula (III) which are direct intermediates in the process for manufacturing compounds of formula (I). The intermediate compounds of formula (III) share the same essential structural element with the compounds of formula (I), as shown in the figure below.



Accordingly, Applicants contend that unity of invention is not lacking between the subject matter of the claims in provisionally elected Group I and the subject matter of the claims in Group II. In particular, the formulae (I) and (III) share the same essential structural element and are technically inter-related by their relationship of intermediate (formula III) to final product (formula

I).

In view of the above, Applicants respectfully request claims 56 and 57 of Group II to be joined and examined with the claims of provisionally elected Group I. In the event that the Examiner will not examine claims 56 and 57 together with the claims of provisionally elected Group I, Applicants wish to withdraw claims 56 and 57 from consideration.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **251502007410**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 24, 2004

Respectfully submitted,

By 

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Registration No.: 52,285

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